

## CIVIL DOCKET

**UNITED STATES DISTRICT COURT**

**Jury demand date:**

D. C. Form No. 106A Rev.

TITLE OF CASE				ATTORNEYS					
<p>BERTEA CORPORATION, A California Corporation,</p> <p style="text-align: right;">Plaintiff,</p> <p>vs</p> <p>HATHAWAY INSTRUMENTS, INC., <del>A Colorado Corporation,</del> and HATHAWAY INDUSTRIES, INC., a Delaware Corporation</p>				<p>For plaintiff:</p> <p>James E. Frasier 303 Pythian Building Tulsa, Oklahoma 74103</p> <p>For defendant:</p> <p>Frederic Dorwart 2700 4th Natl. Bank Bldg. Tulsa 74119</p>					
STATISTICAL RECORD		COSTS		DATE	NAME OR RECEIPT NO.	REC.		DISB.	
J.S. 5 mailed	5-1-74	Clerk		4-11-74	Frasier	15	00	15	00
J.S. 6 mailed	11-1-75	Marshal		4-18-74	C/D #41				
Basis of Action:		Docket fee							
Breach of Contract		Witness fees							
Action arose at:		Depositions							

DATE	PROCEEDINGS	Date Order or Judgment Noted
4-11-74	1. COMPLAINT filed. Summons issued. e	
4-17-74	Summons, ret. & filed unserved. (USM \$1.00)g	
5-14-74	Summons, ret. & filed: served The Corporation Co., Ok. City on 5-6-74. (USM \$4.00)g	
5-24-74	2. Application and approval of application for enlargement of the period of time originally prescribed in which to make motion or to answer, extending time to 6-10-74, filed. (JCS-Clk)hm	
6-10-74	3. Motion of def. for ext. of time to ans., filed. rm	
6-10-74	4. Order, filed, granting def. to 7/15/74 to ans. (AEB-J) rm	
7-15-74	5. Deft's answer to Complaint, filed. lm	
8-1-74	MO: Case set for pre-trial for 8/21/74 at 2:45 p.m. (FD-J)rm	
8-21-74	Case called for pt hrg. Parties rep. by counsel of record. Pltf. granted permission to file amended complt. within 5 days to bring in proper party def. and Ct. may dismiss as to present def. under Rule 21. Addl. pt will be set when at issue. (FD-J)rm	
8-26-74	6. AMENDED COMPLAINT as to Hathaway Industries, Inc., filed.jj summons issued	
8-30-74	7. U.S. MARSHALS Service returned and filed. Executed by serving summons on The Corporation Company, 8-28-74 at Oklahoma City, Okla. (USM \$4.00)jj	
9-17-74	8. ANSWER of def. Hathaway Ind., filed. rm	
10-4-74	MO: Case set for pre-trial for 11/12/74 at 4:30 p.m. (FD-J)rm-notices md.	
11-6-74	9. Deft. Hathaway Industries, Inc., Mot. for S/J, filed. v	
11-6-74	10. Brief in Support, filed. v	
11-12-74	Pre-trial conference held. Parties rep. by counsel of record. Pltf. granted 15 days from this date to respond to def. mo/SJ. Pltf. directed to prepare pre-trial order. Case to be set on non-jury docket. (FD-J)rm	
12-3-74	10. Pltf's ANSWER to def't's Motion for S/J, filed. lm	
12-3-74	11. MEMORANDUM in Support of Pltf's Answer to Deft's Motion for S/J, filed. lm oag	
12-6-74	12. PT Order, filed.(FD-J)jj copies mailed <i>Complaint dismissed as to Hathaway Industries, Inc.</i>	
12-9-74	13. Order, filed, overruling def. mo/SJ. (FD-J)rm - copies mailed	
12-12-74	14. Motion of def. to reconsider def. mo/sj, filed. rm	
12-12-74	15. Brief of def. in support of mo/reconsider, filed. rm	
1-8-75	16. Order, filed, overruling def. mo/reconsider mo/SJ.(FD-J)rm-copies md.	
1-8-75	MO:Ordered by the Ct. that this case is transferred to Judge Cook.(FD-J)rm	
2-11-75	Case set for non-jury trial 3-5-75 at 10:00 a.m. (HDC-J)hm	
2-18-75	17. Deft's Mtn for Continuance of Trial, filed.jj	
2-19-75	18. Order, filed, granting def't's motion for continuance. (HDC-J)hm (copies mailed)	

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-3-75	19. Deft's Mtn. for Separate Trial of Issue of Statute of Limitations, filed.jj	
3-3-75	20. Deft's Brief in Support of Mtn. for Separate Trial of Issue of Statute of Limitations, filed.jj	
3-3-75	MO: It is Ordered by the Court that Pltff. is granted 10 days from this date to respond to Deft's Mtn. for Separate Trial, etc. (HDC-J)jj	
3-3-75	21. Deft's Mtn. to Amend Ans. Adding Compulsory Counter-Claim, filed.jj	
3-3-75	22. Deft's Brief in Support of Mtn. to Amend Ans., filed.jj	
3-3-75	MO: It is Ordered by the Court that Pltff. is granted 10 days from this date to respond to Deft's Mtn. to Amend Ans. (HDC-J)jj	
3-11-75	23. First Written Interrogatories, filed by Hathaway Industries, Inc. v	
4-3-75	24. Appl. of pltf. for ext. of time to respond to def. mo/separate trial and mo/amend answer, filed. rm 068	
4-3-75	25. Order, filed, granting Plaintiff 20 days from this date to respond to Deft's Mot. for separate trial on issue of statute of limitations & to amend ans. (HDC-J)k cps by acty	
4-24-75	26. Pltff's appl. for ext. of 45 days to ans. interrog., filed.k	
4-24-75	27. Pltff's response to deft's mots. & brief for separate trial of issue of statute of limitations & mot. to amend ans., filed.k	
4-28-75	28. Order, filed, that pltf. is granted until 6-6-75 to respond to first written interrog. (HDC-J)hm (copies mailed)	
5-1-75	29. Brief in reply to Pltff.'s Response to Deft.'s Mot. for separate trial of issue of Statute of Limitations and Mot. to Amend Ans., filed. v	
5-15-75	30. Order, filed, sustaining def. mo/amend its answer. (HDC-J)rm-copies	
5-16-75	31. Amended Answer of Deft. Hathaway Industries, Inc. to Amended Compl., filed.v w/counterclaim.	
5-28-75	32. Order, filed, overruling def. mo/separate trial on issue of statute of limitations and matter to be set for trial. (HDC-J)rmcopies	
5-30-75	33. Answer to defendant's counterclaim, filed. g	
6-5-75	34. Response of pltf. to def. first written interrogatories, filed.rm	
6-16-75	35. Deft. Motion for Order compelling plaintiff to answer defts. 1st Written Interrogs # 2,3,4, and 10, or in the alternative dismissing plaintiff's action, filed. sw	
6-16-75	36. Deft. Brief in support of motion; for order compelling plaintiff to answer defendant's first written interrogatories. or in the alternative dismissing plaintiff's action, filed. sw	
6-16-75	MO: It is ordered by the Court that Pltff. is granted 10 days from this date to respnd. to Deft's Motion for order compelling plaintiff to answer defndnt's 1st written interrogatories. or in the alternative dismissing plaintiff's action, filed. sw Ltrs. mailed.	

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-20-75	37. Pltf's response to defdt's motion for order. filed. sw	
7-3-75	38. Order, filed, granting def. 10 days to supplement its response in accord w/above findings. (HDC-J)rm-copies mailed	
7-15-75	39. Supplement to pltf's response to defdt's first written interrogatories, filed. g	
7-22-75	MO: Case set for N/J trial 7-18-75 at 10:00 a.m. (HDC-J)hm	
9-5-75	40. Appl. for continuance of trial, filed by Deft. v (o to be in)	
9-8-75	41. Order, filed, that this action is continued from the trial setting of 9-18-75. (HDC-J)v -cps. mld.	
10-3-75	42. Motion for Dismissal of the Counterclaim of Hathaway Industries, Inc. against Berte Corporation, filed. mm (With Stipulation of Frederic Dorwart, Attorney for Hathaway Industries, Inc. attached.)	
10-3-75	43. Order, filed, <sup>&amp; entered</sup> whereby counterclaim asserted by Hathaway Industries is dismissed W/prejudice and clerk shall not tax parties for each other's costs. (HDC-J) cps mld mm	
10-3-75	44. Motion for Dismissal of the defendants W/Prejudice pursuant to Stipulation attached, filed. mm	
10-3-75	45. Order, filed, <sup>&amp; entered</sup> whereby the action brought against the defdt. is dismissed W/prejudice and the clerk shall not tax the pltf or defdt for each other's costs. (HDC-J) mm cps mld	
3-31-76	Deposition of Gilbert Blanco on behalf of pltf. before Millie Ballard (LSR & Notary Public) on 8-8-76 in Tulsa, Okla., filed. lm	